

Remarks for the "Response to Non-Final Office Action dated 9/7/2006"

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-32 are presently pending. Claims amended herein are 1-27. Claims withdrawn or cancelled herein are 28. New claims added herein are 29-32.

Summary of Interview

[0004] Examiner Zhen graciously talked with me—the undersigned attorney for the Applicant—on January 23, 2007. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] In that discussion, I explained what I viewed as the differences between the primary cited art (Russell) and the claims as amended herein. Examiner Zhen indicated that he understood my explanation and appreciated the differences that I noted.

Formal Request for an Interview

[0006] If the Office's reply to this communication is anything other than allowance of all pending claims, then Applicant formally requests an interview with the Examiner of this patent application. I encourage the Examiner to contact me—the undersigned attorney for the Applicant—to

schedule a date and time for a telephone interview that is most convenient for both of us.

[0007] Please email me at kasey@leehayes.com. Please copy my assistant Carly Taylor (carly@leehayes.com) as well. While email works great for me, I welcome you to call either of us as well. (509-324-9256 x232)

Claim Amendments

[0008] Applicant amends claims in accordance with the above-referenced telephone discussion with the Examiner Zhen. Such amendments are made to expedite prosecution and quickly identify allowable subject matter.

[0009] The amendments herein are fully supported by the specification. In particular, see section titled "Exemplary Extended Type Manager," which starts on p. 18. More particularly, see lines 17-18 and lines 23-34 of p. 18. See also, lines 3-9 on p. 19.

Substantive Claim Rejections

Claim Rejections under § 101

[0010] Examiner Zhen rejects all of the pending claims under §101 because the Examiner asserts that claims are directed to non-statutory subject matter (Action, pp. 2-3).

[0011] Examiner Zhen rejects claim 19 because, as he states, the claim, as a whole, is not useful and accomplishes a practical application. In particular, the Examiner indicates that the condition statement (i.e., "if") in the claim language implies that final actions (i.e., "instantiating" and "populating") may not be performed.

[0012] In response, Applicant rewords the conditional portion of claim 19 with express actions of "determining" and "responding" to such determining. The determining and responding action will always be performed. Accordingly, Applicant asks the Examiner to a withdrawal this rejection.

[0013] Examiner Zhen also rejects claims 1-25 because, as he states, the claim language is not limited to a physical computer media (e.g., storage media). In response, Applicant amends the claims so that they recite "computer-readable storage medium." Accordingly, Applicant asks the Examiner to a withdrawal this rejection.

Claim Rejections under §§ 102 and 103

[0014] Examiner Zhen rejects all of the pending claims on grounds of § 102 and/or § 103. The primary reference for all rejections is Russell (US Patent Application Publication No. 2004/0039964).

[0015] Rather than disclosing a dynamic customized serializer, I submit that Russell discloses a mechanism for dynamically creating a

customizable serializer which is derived from some existing "template" or "default constructor."

[0016] Russell creates its customized serializer in response to a failure of a target object (i.e., instance of an object) to match its pre-defined definition for its object type. For example, Russell uses traditional reflection (which is described briefly in App. p. 18, lines 17-18). Russell identifies the data type of target object is identified as X. If, for example, the pre-defined definition of data type X has three properties, but the actual target has four properties, Russell will fail.

[0017] So, Russell looks for a generic serializer (e.g., a "default constructor") that matches the classification of data type. Russell re-tries the serialization of the target object, but this time it uses the generic serializer that it located. For Russell to function properly there must be a default constructor that matches the properties in the target object.

[0018] In a telephone discussion (on 1/23/07), I explained what I viewed as the differences between the primary cited art (Russell) and the claims as amended herein. Examiner Zhen indicated that he understood my explanation and appreciated the differences that I noted.

[0019] In light of the telephone discussion with the Examiner, the amendments herein, and the reasoning provided above, I respectfully submit that the §§ 102/103 rejections are moot and ask the Examiner to withdraw the rejections of these claims.

Claim Rejections based upon Russell and Albornoz

[0020] Examiner Zhen rejects claims 15, 18-25, and 28 on grounds of § 103 and based upon a combination of Russell with Albornoz (US Patent Application Publication No. 2005/0154978).

[0021] I respectfully submits that Albornoz is not valid prior art. To support that proposition, I will be sending a § 131 declaration soon that will prove that the inventors of this patent application invented their invention before the filing date of Albornoz.

Dependent Claims

[0022] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant submits that the Office withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0023] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

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Respectfully Submitted,

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